

***United States Court of Appeals  
for the Second Circuit***



**APPENDIX**



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CORAZON HERMOZA,

Petitioner,

- v -

IMMIGRATION AND NATURALIZATION  
SERVICE,

Respondent.

PETITIONER'S APPENDIX

BARRY, BARRY & BARRY  
Attorney for Petitioner  
One Hunter Street  
Long Island City, New York 11101

James M. Stillwaggon

of Counsel.

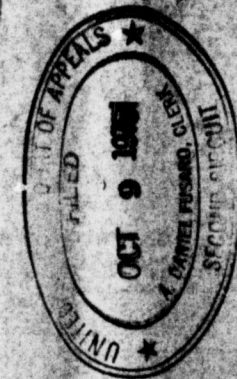
*Barry, Barry & Barry*  
ATTORNEYS AND COUNSELLORS AT LAW  
ONE HUNTER STREET  
LONG ISLAND CITY 1, NEW YORK

B/S

DOCKET

NO. 75 CIV. 1760

3  
COPY RECEIVED  
UNITED STATES ATTORNEY  
10/9/75



PAGINATION AS IN ORIGINAL COPY

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*Proceed to reopen hearing*  
**United States Department of Justice**

*extreme hardship*  
**Board of Immigration Appeals**

*all f*  
**Washington, D.C. 20530**

*Other Case of*  
**SEP 13 1974**

**File: A14 839 916 - New York**

**In re: CORAZON HERMOSA**

**IN DEPORTATION PROCEEDINGS**

**MOTION**

**ON BEHALF OF RESPONDENT: William H. Olcarsh, Esq.**  
**225 Broadway**  
**New York, New York 10007**

**CHARGE:**

**Order: Sec. 241(a)(2), I&N Act (8 U.S.C. 1251**  
**(a)(2)) - Nonimmigrant - remained**  
**longer**

**APPLICATION: Motion to reopen**

The alien respondent is a native and citizen of the Philippines. She has been found deportable as a non-immigrant who has remained in the United States beyond the authorized length of her visit. Her case was last before us on a motion to reopen which we denied in a decision dated September 28, 1973. The respondent has again sought reopening of these proceedings. The motion will be denied.

The respondent presently seeks reopening in order to afford her the opportunity to apply for suspension of deportation under section 244(a) of the Immigration and Nationality Act. While her case was last before us, however, it appears that the respondent submitted to the Service a separate motion to reopen, which re-

requested a hearing on a claim to withholding of deportation under section 243(h) of the Act. Our opinion of September 28, 1973 did not address the section 243(h) claim. Accordingly, we have examined the present motion to reopen from the standpoint of both section 244(a) and section 243(h).

In order to be statutorily eligible for relief under section 244(a)(1) an alien must minimally demonstrate that he has had seven years' continuous physical presence in the United States immediately preceding his application, that he is a person of good moral character, and that his deportation would result in extreme hardship to himself or to any one of a specified set of relatives. The documents submitted in support of the motion to reopen indicate that the respondent may be able to satisfy the "seven year physical presence" and the "good moral character" requirements for suspension of deportation. However, she has not shown that she can meet the "extreme hardship" requirement of the statute.

The respondent evidently argues that her fear of being persecuted in the Philippines qualifies as "extreme hardship." In this regard, however, the respondent has merely submitted a signed statement alleging that she would be subject to persecution in the Philippines because of her political opinions. She has not presented any evidence of prior or current political involvement, of family persecution, or of any other circumstances which might reasonably be the basis for a fear of persecution. She has not set forth a prima facie claim of "extreme hardship."

The respondent's apparent claim to withholding of deportation under section 243(h) is based on this same meager evidence of persecution. It is therefore evident that she has not set forth a prima facie section 243(h) claim. On this record, we are satisfied that the

A14 839 916

respondent has failed to show a well-founded fear that her life or freedom will be threatened in the Republic of the Philippines on account of her race, religion, nationality, political opinion, or membership of a particular social group. See Matter of Dumar, Interim Decision 2192 (BIA 1973). We conclude that she will not be subject to persecution if deported to the Philippines.

Since the respondent has failed to set forth a prima facie case under either section 244(a)(1) or section 243(h) of the Act, no useful purpose would be served by reopening these proceedings.

ORDER: The motion is denied.

Chairman

FORM NE 383(R)  
(ED. 4-1-66)

REMITTER'S COPY

# Individual Register Receipt

UNITED STATES DEPARTMENT OF JUSTICE  
Immigration and Naturalization Service

FEE PAID NUMBER **NYC** **57127 (1)**

APPLICANT <i>John J. [unclear]</i>	DATE <i>4/10/12</i>
REMITTER - IF OTHER THAN APPLICANT	

APPLICATION FORM NUMBER (CIRCLE)					
I - 17	I - 140	I - 196	I - 290 B	I - 600	N - 565
I - 90	I - 143	I - 212	I - 485	I - 601	N - 577
I - 129 B	I - 191	I - 246	I - 506	I - 612	N - 580
I - 130	I - 192	I - 256 A	I - 539	N - 455	N - 585
I - 131	I - 193	I - 290 A	I - 550	N - 470	N - 600
OTHER <i>NOTION</i>					

TYPE OF REMITTANCE (CIRCLE)	PC	BC	MO	IMO	<b>(C)</b>
ISSUING SECTION (CIRCLE)	INF	TC	M & F	OTHER (ABBR.)	

REC'D BY (INITIALS) <i>WAL</i>	AMOUNT \$ <i>15</i>
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STAPLE TO TOP RIGHT EDGE OF APPLICATION

☆ GPO: 1974-550-565

J-550-568

UNITED STATES DEPARTMENT OF JUSTICE  
BOARD OF IMMIGRATION APPEALS

-----x

In re:

CORAZON HERMOSA

File No. A14839916

-----x

AFFIDAVIT

STATE OF NEW YORK )  
                              ) SS.:  
COUNTY OF NEW YORK)

CORAZON HERMOSA, being duly sworn, deposes and  
says:

This Affidavit is submitted in support of a motion to the Board of Immigration Appeals to reopen and reconsider the denial of my motion for Suspension of Deportation under Section 244(a) of the Immigration and Nationality Act, made on September 13, 1974. The motion was denied by the Board because I did not show that I could meet the "extreme hardship" requirement of the statute. I did not submit proof of "extreme hardship" in my motion because I thought it was sufficient for me to present this proof at the hearing. This omission was inadvertent. I believe I should be permitted to submit such proof as this omission was inadvertent, and the best interests of justice would be served if I am permitted to present this proof.

I am a national of the Philippines, having been born in the Philippines on March 27, 1943. I last entered the United States on December 23, 1966 at Honolulu, Hawaii, admitted as a student (F-1). From December 23, 1966 to the present date I have continuously resided in the United States.

My deportation would result in extreme hardship for me if I were deported to the Philippines. Since October, 1969, I have worked for the same employer, L'Embassy Coiffures in the capacity of a hairdresser. I am an important part of the business operation. I have a good position and a good future with my employer. If I return to the Philippines, I would have no job there and I have no expectations of finding a job.

I have formed many friendships here since most of my adult life I resided in the United States. If I return to the Philippines, I would be returning to a land where I have no friends. I have no home to return to there as well. I have signed a lease to my own apartment in the United States; although it is a small apartment, it is very important to me and integral to my way of life.

Although I have been a steady employee for L'Embassy, I have not been able to save a great deal of money. The flight to the Philippines is expensive and would

exhaust all of my savings. If I were to arrive in the Philippines after having purchased this expensive ticket, I would have practically no money left. Without the expectation of finding work, I would be destitute.

My sister lives in New York. She has been a permanent resident for four years. We are extremely close. I love her and she is a vital part of my life. It would be extremely painful for me to part from her.

Although the United States government has denied my claim to political asylum, America has become part of my way of life. I value democracy and the right to speak one's mind. Freedom of speech is a cherished ideal to me. If I return to the Philippines, it would be very hard for me to remain silent with the intolerable dictatorship there. It would be extreme hardship for me to live in a dictatorship after having resided in a free nation for so long.

My mother, who lives in the Philippines, informs me that anyone who speaks against the government is either actively persecuted or they are made to suffer economic sanctions.

Since the quota is presently closed to the Philippines under the non-preference portion of the quota, I would suffer a long, if not endless, delay in obtaining a

visa to return to the United States as an immigrant.

For all the foregoing reasons, I pray that  
I be granted Suspension of Deportation as my deportation to  
the Philippines would result in extreme hardship for me.

*Respectfully request a stay.*

*Corazon A. Hermosa*  
CORAZON HERMOSA

Sworn to before me this

10 day of *April*, 1975.

*Antonia Mactan*

Notary Public  
State of New York

No 31-774250

Qualified in New York County  
Commission Expires March 30, 1976

UNITED STATES DEPARTMENT OF JUSTICE  
IMMIGRATION AND NATURALIZATION SERVICE

-----X  
: In the Matter :  
: :  
: of : SUPPLEMENTAL  
: : AFFIDAVIT  
: Reopening of Deportation Proceedings :  
: in the case of CORAZON D. HERMOSA :  
: A14 839 916 :  
: :  
: :  
-----X

STATE OF NEW YORK) ss.:  
COUNTY OF QUEENS )

JOHN J. BARRY, being duly sworn, deposes and says:

That your deponent is the present attorney of record for Corazon D. Hermosa and submits this Supplemental Affidavit in support of a motion to reopen deportation proceedings in order to afford the Respondent an opportunity to apply for suspension of deportation under Section 244(a) (1) of the Immigration Act of 1952 as amended.

The Respondent is a native and citizen of the Republic of the Philippines who entered the United States as an F-1 Student during December of 1966. The Respondent has been physically present in the United States since December 24, 1966. The manner of her entry and the purpose of her entry are not contested.

The Respondent has close family ties in the United States including a permanent resident sister who will soon file for citizenship.

The Respondent's mother, who is over 65 years of age is likewise in the United States on a visitor's visa and there is a good likelihood of her remaining until non-quota status can be conferred upon her by her daughter.

The nature of the Respondent's obtaining a visa abroad and the financial burden of going abroad, the health and the age of the Respondent are all factors which should be developed at a reopened hearing.

There is no fraud involved in the case. The Respondent could qualify for sixth preference status but availability of Philippine sixth preference is within the next three generations is a matter of conjecture.

The Immigration and Naturalization Service accepted and pocketed a \$50.00 fee. No application for suspension of deportation was ever signed and sworn to before

a Special Inquiry Officer or an Immigration Judge. She has never been given a forum to prove her allegations. The Board summarily disposed of a motion to reopen stating that she has not set forth a prima facie claim of extreme hardship. In defining the term extreme hardship, the Board has always considered the above alleged factors as bearing on extreme hardship.

It is submitted that a prima facie case has been made out which would authorize the reopening of proceedings to afford her full opportunity to establish before an Immigration Judge her claims of health and financial burdens.

It is the intention of the family to be located in the United States and in view of the Respondent's single status, it would be hardship for her to be in the Philippines with the rest of her family in the United States.

Your deponent would be remiss in his duties as counsel of record if he would not refer to the treatment that the Respondent received with respect to her apprehension and fast shuttling to San Francisco where the Service would have accomplished her exit from the United States had it not been for Judge Pierce of the United States District Court for the Southern District of New York who stayed her deportation by agreement with the United States Attorney pending a decision of the Immigration Board of Appeals.

The Respondent never received any notice to surrender to the Immigration Service. The Administrative file has a letter and an envelope that bears an address "1966 Nebold Avenue" Bronx, New York. The letter is dated October 11, 1974 requesting her to surrender on October 18, 1974.

The Respondent had not lived in that address since April of 1972. The surrender notice was returned. No investigation was made after the return of the form I-166. The Immigration Service declared publicly that it did not have the funds to go out and apprehend persons who did not surrender pursuant to written demand. What triggered the present apprehension was verbally transmitted to your deponent "The Respondent's mother complained bitterly to the American Consul in Cebu that she wanted her daughter home".

Your deponent respectfully submits that the "accelerated hustling" of aliens out of the United States should be stopped. The Service did not give this lady time to pack a bag or to get a chance to change her clothing or under garment. It was the typical race against


the clock as to whether they would get her out before a Federal Judge would stop such irresponsible activity on the part of the Service.

The Respondent is not a criminal. The respondent has no background of subversion. The Respondent is a desirable immigrant. The Respondent will leave the United States at her own expense if given an opportunity to do so.

Your deponent respectfully requests oral argument at Washington, D.C. on the motion to reopen and reconsideration.

Sworn to before me this

14 of April 1975.

  
Notary Public

WILLIAM MATTHEWS  
Notary Public, State of New York  
New York City  
Commission Expires March 31, 1977



UNITED STATES DEPARTMENT OF JUSTICE

BOARD OF IMMIGRATION APPEALS  
Washington, D.C. 20530

April 10, 1975

Corazon HERMOSA  
A14 839 916

John J. Barry, Esquire  
One Hunter Street  
Long Island City, NY 11101

Dear Sir:

Reference is made to your interest in the above  
case.

For your information, there is enclosed herewith  
copy of the decision and order of the Board of Immigration  
Appeals.

Sincerely yours,

*David L. Milhollan*

David L. Milhollan  
Chairman

Enclosure

APR 12 1975



United States Department of Justice

Board of Immigration Appeals

Washington, D.C. 20530

File: A14 839 916 - New York

APR 10 1975

In re: CORAZON HERMOSA

IN DEPORTATION PROCEEDINGS

MOTION

ON BEHALF OF RESPONDENT: John Barry, Esq.  
One Hunter Street  
Long Island City  
New York, New York 11101

ON BEHALF OF I&N SERVICE: Paul C. Vincent, Esq.  
Chief Trial Attorney

APPLICATION: Stay of deportation

Counsel for the respondent has applied telephonically for a stay of deportation pending adjudication of a motion to reopen the deportation proceedings. The Board has considered the request and has concluded that the stay is denied.

ORDER: The request for stay of deportation is denied.

Acting Chairman

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA, EX  
REL. CORAZON HERMOSA

RELATOR  
— VS —  
MAURICE F. KILEY, DISTRICT  
DIRECTOR, IMMIGRATION & NATURALIZATION  
SERVICE, ET AL RESPONDENT

DOCKET NO.

75 CIV 1760 LWP

ORDER TO SHOW CAUSE  
FOR WRIT OF HABEAS  
CORPUS - DEPORTATION  
WITH A STAY

Upon the annexed copy of a verified petition for a writ of habeas corpus, the original of which has been filed with this Court, it is hereby

ORDERED, that the respondent or his attorney show cause before a judge of this Court at the United States Courthouse, Foley Square, New York, New York, in room \_\_\_\_\_ at \_\_\_\_\_ . M. on APRIL

\_\_\_\_\_, 1974 or as soon thereafter as counsel may be heard, why an order should not be entered directing that a Writ of Habeas Corpus

issue against the respondent and for such further relief as the Court

may deem proper, and is further ORDERED, THAT THE DEPORTATION OF CORAZON HERMOSA IS HEREBY STAYED PENDING THE ABOVE MOTION, and

FURTHER ORDERED that a copy of this order, together with the papers upon which it is granted be personally served upon respondents or ~~their~~ THEIR

attorneys on or before APRIL, 1975 by \_\_\_\_\_ . M.,

and that such service shall be deemed good and sufficient.

DATED: New York, New York

APRIL 10, 1975

U.S.D.J.

ISSUED AT

P.M.

CIV. NO. \_\_\_\_\_

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
THE PRESIDENT OF THE UNITED STATES OF AMERICA

TO: MAURICE F. KILEY, District Director,  
United States Department of Justice,  
Immigration and Naturalization Service  
for the District of New York,  
and/or whomsoever may have custody of  
the body of

CORAZON HERMOSA, A14 839 916,

GREETING: and Naturalization Service :

YOU ARE HEREBY COMMANDED that you have the body  
of CORAZON HERMOSA, by you imprisoned and detained, as  
it is said, together with the time and cause of such  
imprisonment and detention, by whatsoever names CORAZON  
HERMOSA is called or charged, before one of the Judges  
of the United States District Court, within and for the  
Southern District of New York, on the \_\_\_\_\_ day of April,  
1975, at ten o'clock in the forenoon of that day, in the  
United States Court House, Room \_\_\_\_\_, in the Borough of  
Manhattan, City of New York, to do and receive all and  
singular those things which shall then and there be  
considered concerning the said CORAZON HERMOSA, and have  
you then and there this Writ.

WITNESS, the HONORABLE DAVID N. EDELSTEIN, Chief  
Judge of the United States District Court for the Southern  
District of New York, this 10th day of April, 1975.

Witness of the Republic of the Philippines who entered the

United States as an alien on April 24, 1975.  
RAYMOND F. BURGHARDT  
CLERK OF THE UNITED STATES  
DISTRICT COURT FOR THE SOUTHERN  
DISTRICT OF NEW YORK.

4. That the said alien has remained in the United  
The foregoing Writ is hereby allowed this 10th day  
of April, 1975.

U.S.D.J.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA, ex rel. JAMES STILLWAGGON, in behalf of  
CORAZON HERMOSA, A14 839 916, vs. Service No. 10, 1975.

Relator, has made to reopen proceedings  
to afford - against - CORAZON HERMOSA, an opportunity to

MAURICE F. KILEY, District Director under Section 244(a)(1)  
United States Department of Justice,  
Immigration and Naturalization Service of 1953, as amended,  
for the District of New York,

has submitted to the District Director, and an

Respondent.  
application for a stay pending the decision was made and

denied by the District Director.

TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT,  
FOR THE SOUTHERN DISTRICT OF NEW YORK:

Your petitioner respectfully alleges and shows:

1. That your petitioner on April 10, 1975 was  
specifically requested by the above named alien to make the  
within application on behalf of said alien from facts which  
your petitioner knows of his own knowledge as an attorney  
associated with the firm of BARRY, BARRY & BARRY, attorneys of  
record for said alien before the Immigration and Naturalization  
Service, 20 West Broadway, New York, New

2. That no prior application for a Writ or for  
any other or similar relief has ever been made to this or any  
other Court.

3. That the alien above named is a native and  
citizen of the Republic of the Philippines who entered the  
United States as an F-1 student on or about December 24,  
1966.

4. That the said alien has remained in the United  
States for a longer period than permitted by law, and this

and Naturalization Service without regard for the low charge was the basis of an order to show cause, which resulted in an order of deportation.

5. The subject alien was apprehended by the Immigration and Naturalization Service on April 10, 1975.

6. A motion has been made to reopen proceedings to afford the alien, CORAZON HERMOSA, an opportunity to

apply for suspension of deportation under Section 244(a)(1) of the Immigration and Nationality Act of 1952, as amended. She is presently residing at 1151 Webster Avenue, New Rochelle, New York.

7. That the alien requested a stay pending the decision was made and

was denied by the District Director.

8. The alien's attorney further requested the

Board of Immigration Appeals. This request for a stay is obviously incorrect, as which dates from a time prior to the presently pending and remains undecided.

9. The alien was taken from the Immigration and

District Director to stay the deportation of the alien pending

a decision by the Board of Immigration Appeals. This request to the District Director was denied.

10. The alien was taken from the Immigration and

Naturalization Service, 20 West Broadway, New York, New York, to T.W.A. Terminal at Kennedy Airport, New York, for deportation to the Philippines on a flight leaving at five p.m. this evening, April 10, 1975.

11. That the alien, CORAZON HERMOSA, has been

and the granting of permanent resident status. The Immigration and Naturalization Service has taken this alien is illegal. Administrative relief from deportation is open to her and she is being deported although the application and fee have been accepted by the Immigration

and Naturalization Service.

11. This action has been taken by the Immigration and Naturalization Service without regard for the law or regulations governing this situation. The Immigration and Naturalization Service is solely motivated by a memorandum from a consular officer in the Philippines wherein it is stated that the alien's mother wants her to return to the Philippines.

12. At the present time the mother of CORAZON HERMOSA is residing in the United States, not the Philippines. She is presently residing at 1161 Webster Avenue, New Rochelle, New York.

13. The subject alien's deportation is imminent. The Immigration and Naturalization has taken this extreme action solely on the authority of a memorandum which is obviously incorrect, or which dates from a time prior to the arrival of the mother of CORAZON HERMOSA in the United States.

14. That the alien has exhausted her administrative remedies and her application for a stay of the Board of Immigration Appeals remains unadjudicated.

15. That the alien, CORAZON HERMOSA, has been in the United States for over nine years. She is entitled to suspension of deportation under Section 244(a)(1) of the Immigration and Nationality Act of 1952, as amended, and the granting of permanent resident status. The Immigration and Naturalization Service has taken this action, totally ignoring the alien's legal rights and the equities presented by this case.

WHEREFORE, your petitioner prays that a writ of habeas corpus directed to MAURICE F. KILEY, District Director of the United States Department of Justice, Immigration and Naturalization Service for the District of New York, issue for the purpose of inquiring into the cause of imprisonment and restraint of CORAZON HERMOSA and of delivering her therefrom pursuant to law, and other statutes in such cases made and provided.

*James Stillwaggon*  
JAMES STILLWAGGON

STATE OF NEW YORK  
COUNTY OF QUEENS

)  
) SS.:

JAMES STILLWAGGON, being duly sworn, deposes and says: That he is the petitioner in the within proceeding; that he has read the foregoing Petition and knows the contents thereof; that the same is true to his own knowledge, except as to the matters therein stated to be alleged on information and belief, and that as to those matters he believes it to be true.

*James Stillwaggon*  
JAMES STILLWAGGON

Sworn to before me this  
10th day of April, 1975

*Helen Mather*  
HELEN MATHER  
Notary Public, State of New York  
No. 0148320  
Qualified in Queens County  
Term Expires March 30, 1977

STATE AND CITY OF NEW YORK  
COUNTY OF

Being duly sworn, deposes and says, that on the day of 19 he signed the within upon for the in the within action, by enclosing a true copy thereof in a securely sealed prepaid envelope addressed as follows:

and by depositing the same in the post office box regularly maintained by the United States Government at in the Borough of City of New York. That deponent further says, that the is the attorney for the heretofore and that address set forth on said wrapper is the office and post office address given by the said attorney upon the last paper furnished by in the within action.

Sir :

Please take notice that the within is a true copy of a duly made and entered in the within entitled and filed in the office of the

Clerk of

on the            day of            , 19

Dated, N. Y.,            , 19

Yours, etc.

**BARRY, BARRY & BARRY**

Attorneys for

Office and Post Office Address,

RA 9-6300 No. 1 Hunter Street

Borough of Queens Long Island City (1), N. Y.

To            , Esq.

Attorneys for

SIR:

Please take notice that an order of which the within is a true copy will be presented for settlement and signature herein to Mr. Justice

at            of  
this Court at  
in the Borough of

City of New York,

on the            day of            , 19

at            o'clock in the            noon.

Dated, N. Y.,            , 19

Yours, etc.

**BARRY, BARRY & BARRY**

Attorneys for

Office and Post Office Address,

RA 9-6300 No. 1 Hunter Street

Borough of Queens Long Island City (1), N. Y.

To            , Esq.

Attorneys for

CIV. NO. \_\_\_\_\_

Index No. \_\_\_\_\_

Year 19

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

**UNITED STATES OF AMERICA, ex rel  
JAMES STILLWAGON, in behalf of  
CORAZON HERMOSA, A14 839 916,**

**Relator,**

**v.**

**MAURICE F. KILEY, District  
Director, etc.**

**Respondent.**

**WRIT OF HABEAS CORPUS & PETITION**

**BARRY, BARRY & BARRY**

Attorneys for **Relator**

Office and Post Office Address,

RA 9-6300 No. 1 Hunter Street

Borough of Queens Long Island City (1), N. Y.

To            , Esq.

Attorneys for

Due and timely service of a copy of the within  
is hereby admitted.

Dated, N. Y.,            , 19

Attorney for



UNITED STATES DEPARTMENT OF JUSTICE

BOARD OF IMMIGRATION APPEALS  
Washington, D.C. 20530

April 17, 1975

HERMOSA  
A14 839 916

John J. Barry, Esquire  
One Hunter Street  
Long Island, NY 11101

Dear Mr. Barry:

Reference is made to your interest in the above  
case.

For your information, there is enclosed herewith  
copy of the decision and order of the Board of Immigration  
Appeals.

Sincerely yours,

*David L. Milhollan*

David L. Milhollan  
Chairman

Enclosure

APR 19 1975



United States Department of Justice

Board of Immigration Appeals

Washington, D.C. 20530

File: A14 839 916 - New York

APR 17 1975

In re: CORAZON HERMOSA

IN DEPORTATION PROCEEDINGS

MOTION

ON BEHALF OF RESPONDENT: John J. Barry, Esquire  
One Hunter Street  
Long Island, New York 11101

CHARGE:

Order: Section 241(a)(2), I&N Act (8 U.S.C.  
1251(a)(2)) - Nonimmigrant -  
remained longer

APPLICATION: Motion to reopen

This case presents a motion by the respondent to reopen this proceeding for consideration of her application for suspension of deportation under section 244(a)(1) of the Immigration and Nationality Act. Oral argument is requested. Oral argument will be denied. The motion will be denied.

On February 8, 1971 we dismissed the respondent's appeal from the decision of an immigration judge which found her deportable. The respondent's motion to reopen and reconsider, on the basis of a claim to United States citizenship, was denied by us on September 28, 1973. Her motion to reopen, based on claims to sections 243(h) and 244(a)(1) relief, was denied by us on September 13, 1974 on the basis of a lack of a prima facie showing of "extreme hardship."

A14 839 916

In the motion before us, the respondent again seeks reopening so that she may apply for suspension of deportation. We have carefully examined the motion in light of the entire record. We conclude that the respondent has failed to make a prima facie showing for reopening. Accordingly, the following order will be entered.

**ORDER:** The request for oral argument is denied.

**FURTHER ORDER:** The motion is denied.

Chairman



United States Department of Justice

Board of Immigration Appeals

Washington, D.C. 20530

File: A14 839 916 - New York

APR 17 1975

In re: CORAZON HERMOSA

IN DEPORTATION PROCEEDINGS

MOTION

ON BEHALF OF RESPONDENT: John J. Barry, Esquire  
One Hunter Street  
Long Island, New York 11101

CHARGE:

Order: Section 241(a)(2), I&N Act [8 U.S.C.  
1251(a)(2)] - Nonimmigrant - remained  
longer

APPLICATION: Motion to reopen

CONCURRING OPINION: Louisa Wilson, Board Member

I agree with the decision of the Board denying the motion to reopen the decision to permit the alien to apply for suspension of deportation under section 244 (a)(1) of the Immigration and Nationality Act for the reasons stated in the opinion. Counsel also requested that the respondent be given a further opportunity to depart voluntarily from the United States. I would grant her the privilege of voluntary departure within 30 days, and provide that she be deported if she does not avail herself of this privilege.

---

Louisa Wilson  
Board Member